

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SALVADOR AGREDANO,

Plaintiff,

vs.

CAPITAL ONE, NATIONAL ASSOCIATION, ET
AL.,

Defendants.

CASE NO. 18-cv-06865-YGR

**ORDER GRANTING IN PART MOTION FOR
LEAVE TO FILE LATE OPPOSITION**

Re: Dkt. No. 28

Plaintiff Salvador Agredano, proceeding *pro se*, brings this action against defendants Capital One, National Association (“Capital One”) and Real Time Resolutions, Inc. (“Real Time”). On December 5, 2018, Real Time filed a motion to dismiss plaintiff’s complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (Dkt. No. 8.) Plaintiff filed no opposition thereto, which would have been due on December 19, 2018. On December 6, 2018, Capital One filed a motion to dismiss plaintiff’s complaint, also pursuant to Rule 12(b)(6). (Dkt. No. 12.) Plaintiff filed his opposition thereto one day late, on December 21, 2018, (Dkt. No. 22), and Capital One filed its reply in support of its motion on December 27, 2018, (Dkt. No. 24).

Plaintiff now seeks leave to file “his oppositions to Real Time and Capital One’s Motion to Dismiss late.” (Dkt. No. 28 at 2.) Given plaintiff’s *pro se* status and in the interest of justice,¹ the Court **GRANTS IN PART** plaintiff’s motion. **Plaintiff may file an opposition, but only to Real Time’s pending motion to dismiss.**² The Court hereby accepts his late-filed opposition to Capital

¹ For these reasons, Real Time’s pending motion to strike plaintiff’s opposition to Capital One’s motion to dismiss as untimely, (Dkt. No. 23), is **DENIED**.

² Plaintiff’s motion seeks leave to file late oppositions to *both* pending motions to dismiss. However, as mentioned above, and as plaintiff acknowledges in his motion, plaintiff already filed an opposition to Capital One’s motion to dismiss.

One's motion. Plaintiff's opposition to Real Time's motion must be filed no later than **Thursday, January 17, 2019** and must comport with this district's Civil Local Rule 7-3.³ Any reply thereto must be filed one week thereafter.⁴

This Order terminates Docket Numbers 23 and 28.

IT IS SO ORDERED.

Dated: January 9, 2019


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

³ The Civil Local Rules can be accessed at the following link:
<https://www.cand.uscourts.gov/localrules/civil>.

⁴ The Court previously vacated the hearing on the pending motions to dismiss. (*See* Dkt. No. 27.)